

**A RESOLUTION**

**BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF NATIONWIDE MUTUAL FIRE INSURANCE CO. a/s/o Subrogee of Luis Carballo v. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2009CV173725, IN THE AMOUNT OF \$5,309.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 1001 (GENERAL FUND), ACCOUNT 200101 (LITIGATION EXPENSES) and CENTER NUMBER 5212005 (NON- DEPARTMENTAL) and 1512000 (FUNCTIONAL ACTIVITY NUMBER) AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.**

WHEREAS, Nationwide Mutual Fire Insurance Co. as Subrogee of Luis Carballo v. City of Atlanta, is a case involving alleged vehicle property damage resulting from roadwork performed by City employees;

WHEREAS, Plaintiff alleges that his vehicle was damaged as a result of City employees' failure to place warning signs or notice of road construction;

WHEREAS, Plaintiff sought monetary damages for the repairs he incurred as well as attorney's fees and costs of litigation;

WHEREAS, Plaintiff has agreed to accept \$5,309.00, in full settlement of all claims against the City of Atlanta, which includes attorney's fees and costs of litigation;

WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City's potential financial exposure in defending Plaintiff's claims is in excess of the settlement amount;

WHEREAS, the City Attorney considers it to be in the best interest of the City to pay the amount of \$5,309.00 to settle all claims against the City of Atlanta; and

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby resolves as follows:

SECTION 1. The City Attorney is hereby authorized to settle and execute all documents in the case of *Nationwide Mutual Fire Insurance Co. as Subrogee of Luis Carballo v. City of Atlanta*, in the amount of Five Thousand Three Hundred and Nine Dollars and no Cents (\$5,309.00).

SECTION 2. The Chief Financial Officer is authorized to make payment from fund 1001 (General Fund), Account 200101 (Litigation Expenses) and Center Number 5212005 (Non-departmental) and 1512000 (Functional Activity Number). Payment shall be in the form of a check in the amount of \$5,309.00 payable to Nationwide Mutual Insurance Company a/s/o Luis Carballo and Boutwell & Associates, LLC. Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta and its current and former officers and employees.